

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

Division

Case No.

(to be filled in by the Clerk's Office)

BARRY S. SMITH

Plaintiff(s)

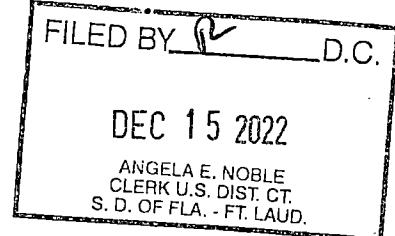
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERSJOSE DE ZAYASRobert Brownstein

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) Yes No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

BARRY S. SMITH

Street Address

4451 NE. 19th Ter. APT. #6

City and County

Ft. Lauderdale, FL 33308, BROWARD

State and Zip Code

FLORIDA 33308

Telephone Number

954-213-8748

E-mail Address

barsmith02162022@outlook.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

Broward County Board of County Commissioners
N/A
115 S. ANDREWS AVE. #421
Ft. Lauderdale, BROWARD
FLORIDA 33301
954-357-7354 / 954-357-7000
unknown

Defendant No. 2

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

Jose De Zayas
911 Communications Administrator
1801 NW 64th st., Suite 106A
Ft. Lauderdale, BROWARD
FLORIDA 33309
954-357-8442
JDEZAYAS@Broward.org

Defendant No. 3

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

Robert Brownstein
Radio/Information Systems Supervisor
1801 NW 64th st., Suite 106A
Ft. Lauderdale, BROWARD
FLORIDA 33309
954-357-8442
RBROWNSTEIN@Broward.org

Defendant No. 4

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

- 1.) Title VII Civil Rights Act
- 2.) Title I and V Americans with Disabilities Act of 1990

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the State of (name) _____

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1.) Retaliation - For filing complaint with Union Rep and Professional Standards
 2.) Hostile work environment - Jose De Zayas told me I was ASS Kisser, I need Religion
 3.) Constructive discharge - Robert Brownstein made false claims about yelling AND the mention of guns. I dont own or have guns.
 4.) Title VII Civil Right Act Violation - Other Technicians were accommodated
 5.) ADA Accommodation Violation - by I was not as a disabled vet and Black.
 BCBCC, Jose De Zayas, Robert Brownstein I requested ADA accommodation for male.
 not my heart condition. Difficulty breathing with mask on climbing tall ladders and stairs.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff request 3 yrs pay of \$60,000.00 times 3 = \$180,000.00
 for damages and punitive claim/damages and court cost/fees.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/15/2022

Signature of Plaintiff

Barry S. Smith, Pro Se

Printed Name of Plaintiff

BARRY S. SMITH, Pro Se

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

AMERICANS WITH DISABILITY ACT OF 1990

A. Basis for Jurisdiction. Page 3 Of 5

Broward County Board of County Commissioners, Jose De Zayas, and Robert Brownstein violated my civil rights by declining ADA Accommodation after delaying action until they found a replacement for me to train and remove me.

I requested a COVID-19 Accommodation because of my health status being high risk due to heart condition. The work place had 3 cases of COVID-19, which required Sanitation Team.

My issue was not being able to climb stairs and ladders. It was when I performed a BDA/DAS Inspection in High Rise Buildings in Broward County and mostly in the City of Fort Lauderdale.

I would have difficulty breathing through COVID Mask when walking up 10 or more levels of stairs if the Elevator was not in service or inspected, Also ladders mounted on the side of warehouses and other buildings that did not have roof access to check for interference to Public Safety Radio System.

Other buildings required the use of a man lift to gain access.

Non-Disabled Supervisor Robert Brownstein and Technician Dale Boucher were allowed accommodation to stay inside Office and Shop to prevent exposure to COVID-19.

I was the only Radio Shop Communications System Tech doing BDA/DAS Inspections during the COVID ERA until I requested ADA Accommodation, Then Technicians would ride along for Training to learn to perform Inspections.

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

A. Basis for Jurisdiction. Page 3 Of 5

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I would have difficulty breathing through COVID Mask when walking up 10 or more levels of stairs if the Elevator was not in service or inspected, Also ladders mounted on the side of warehouses and other buildings that did not have roof access to check for interference to Public Safety Radio System.

Other buildings required the use of a man lift to gain access.

Hostile Work Environment/Harassment

E911 Communications Administrator – Jose De Zayas.

- 1.) Sent to my Broward County Cellphone YouTube videos of Larry Elder, American right-wing political commentator and conservative talk radio host.
- 2.) Sent also Candace Owens is an American conservative author, talk show host, political commentator, and activist. Critical of United States President Donald Trump and the Republican Party, Owens has been recognized in part for her Pro-Trump activism as a black woman, in addition to her criticism of Black Lives Matter and the Democratic Party.
- 3.) He told me that I needed Religion and I should join him and the Men's Wednesday Night Bible study at Calvary Chapel Church.
- 4.) He said that my girlfriend from Venezuela was only dating me for a Green Card.
- 5.) I was wearing a baseball cap that had my U.S. Army Logo on it that Read "JCSE" He thought it Read "Jose" He said that I was Kissing the Bosses ass.
- 6.) He claimed that he was Albino black rather than being Cuban.
- 7.) He failed to Sign or declined my Paperwork submitted to Human Resources to Attend College on-line to get my Bachelor's Degree.
- 8.) He refused to authorize me overtime pay Radio repairs and BDA/DAS Plans Review, but allowed overtime pay to other Techs.